

1 CABINET FOR HEALTH AND FAMILY SERVICES

2 Department for Public Health

3 Division of Public Health Protection and Safety

4 (New)

5 902 KAR 100:190. Licensing of Source Material.

6 RELATES TO: KRS 194A.005(1), 211.180(1), 211.842-211.852, 211.990(4), 10
7 C.F.R. Part 40

8 STATUTORY AUTHORITY: KRS 194A.050(1), 211.090(3), 211.844(1)

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.844(1) requires the
10 Cabinet for Health and Family Services to provide by administrative regulation for the
11 registration and licensing of the possession or use of sources of ionizing and the handling
12 and disposal of radioactive waste. This administrative regulation establishes procedures,
13 criteria, terms, and conditions upon which the cabinet issues licenses to receive title to,
14 receive, possess, use, transfer, or deliver source or byproduct materials as defined in this
15 part.

16 Section 1. Definitions. (1) "Cabinet" is defined by KRS 194A.005(1). (2)
17 "Licensee" means a person who holds: (a) A specific license issued by the cabinet
18 pursuant to 902 KAR 100:030, 902 KAR 100:195, and this administrative regulation; (b)
19 A specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement
20 state; or (c) A general license pursuant to 902 KAR 100:050 or equivalent regulations of
21 the U.S. Nuclear Regulatory Commission or an Agreement state

22 Section 2. Applicability. This administrative regulation shall apply to a licensee. The
23 licensee shall comply with 10 C.F.R. Part 40 except as established in subsections (1)
24 and (2) of this section. (1) The licensee shall not be subject to 10 CFR parts: 40.5; 40.6;

1 40.7; 40.8; 40.10(b); 40.12(b); 40.13 (c)(5)(iv); 40.23; 40.26; 40.27; 40.28; 40.31(j), (k),
2 (l), & (m); 40.32 (d), (g), and those portions of paragraph (e) which apply to uranium
3 enrichment and uranium hexafluoride facilities; 40.33; 40.38; 40.41(d), (e)(1), (e)(3), (g)
4 & (h); 40.51(b)(6); 40.52; 40.53; 40.56; 40.64; 40.65; 40.66; 40.67; 40.82; and

5 APPENDIX A; (2) Reference to the commission or NRC shall be deemed to be a
6 reference to the Cabinet, Department for Public Health, Radiation Health Branch

7 Section 3. Reporting of events or notifications. The required reporting of events or
8 notifications to the Radiation Health Branch shall be directed to: (1) 275 East Main
9 Street, Mailstop HS1C-A, Frankfort, Kentucky 40621; (2) (502) 564-3700, Monday
10 through Friday from 8 a.m. to 4:30 p.m.; or (3) (800) 255-2587, at other hours. (42
11 Ky.R. 1669; eff. 2-5-2016.)